

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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STATE FARM MUTUAL AUTOMOBILE INSURANCE  
COMPANY AND STATE FARM FIRE AND CASUALTY  
COMPANY,

**Docket No:**  
**21-cv-05523(MKB)(PK)**

Plaintiffs,

-against-

METRO PAIN SPECIALISTS P.C., TRI-BOROUGH NY  
MEDICAL PRACTICE P.C., LEONID SHAPIRO, M.D.,  
REGINA MOSHE, M.D., CITIMEDICAL I, PLLC,  
CITIMED SERVICES, P.A., CITIMEDICAL SERVICES  
P.C., CITIMED COMPLETE MEDICAL CARE P.C.,  
CITIMED MANAGEMENT SERVICES INC., CITIMED  
SURGERY CENTER LLC (A/K/A CMSC LLC), YAN  
MOSHE (A/K/A YAN LEVIYEV), HACKENSACK  
SPECIALTY ASC LLC (F/K/A DYNAMIC SURGERY  
CENTER LLC, F/K/A EXCEL SURGERY CENTER LLC),  
INTEGRATED SPECIALTY ASC LLC (F/K/A  
HEALTHPLUS SURGERY CENTER LLC), SCOB LLC  
(A/K/A SURGICARE OF BROOKLYN), NJMHC LLC  
(D/B/A HUDSON REGIONAL HOSPITAL), STAR  
SOLUTION SERVICES INC., VADIM DOLSKY,  
OPTIMUM HEALTH ACUPUNCTURE, P.C., MARK  
GLADSTEIN, M.D., VICTORIA FRENKEL, ADVANCED  
COMPREHENSIVE LABORATORY LLC (D/B/A  
TOPLAB), REUVEN ALON (A/K/A ROB ALON),  
COLUMBUS IMAGING CENTER LLC, MEDAID  
RADIOLOGY LLC, BESHERT CORP., NIZAR KIFAIEH,  
M.D., PREMIER ANESTHESIA ASSOCIATES P.A.,  
MOHAMED SAYED AHMED HASSAN, P.T., NILE  
REHAB PHYSICAL THERAPY, P.C., IRINA KATAEVA,  
P.T., CITYWORKS PHYSICAL THERAPY P.C., AMRO  
MAHMOUD BARAKAT, P.T., BARAKAT PT, P.C.,  
RAOUF AKL, P.T., PRIMAVERA PHYSICAL THERAPY,  
P.C., AHMED MAHMOUD ABDELSHAFY ELMANSY,  
P.T., SKY LIMIT PHYSICAL THERAPY, P.C., SHERWIN  
CATUGDA PALLER, P.T., FLORAL PARK PHYSICAL  
THERAPY, P.C., LEONARD LUNA, D.C., KINGS  
CHIROPRACTIC WELLNESS, P.C., JONGDUG PARK,  
D.C., ALL ABOUT CHIROPRACTIC P.C., J PARK  
CHIROPRACTIC P.C., GIULIO CARUSO, D.C., BROOK  
CHIROPRACTIC OF NY P.C., INTEGRATED  
CHIROPRACTIC OF NY P.C., PAUL VICTOR

**DECLARATION OF  
STEVEN J. HARFENIST  
IN OPPOSITION**

SCARBOROUGH, D.C., A.O.T. CHIROPRACTIC P.C.,  
EVOLUTION CHIROPRACTIC P.C., STACY JUYOUNG  
MOON, L.AC., SJM ACUPUNCTURE P.C.,  
HYEONGSOCK CHOI, L.AC., CHOICE ACUPUNCTURE  
PLLC, CHOI-GO ACUPUNCTURE PLLC, PETER  
KOPACH, L.AC., FIRST ALTERNATIVE PLM  
ACUPUNCTURE P.C., LONGYU MA, L.AC., HIDDEN  
DRAGON ACUPUNCTURE P.C., XIA GUAN, L.AC.,  
REBOUND ACUPUNCTURE P.C., VLADIMIR  
NAZAROV, and RIGHT AID MEDICAL SUPPLY CORP.,

Defendants.

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**STEVEN J. HARFENIST**, an attorney admitted to practice law in the United States District Courts for the Eastern District of New York, declares the following, under the penalties of perjury:

1. I am a partner of Harfenist Kraut & Perlstein LLP, attorneys for defendants, Metro Pain Specialists P.C. (“Metro Pain”), Leonid Shapiro, M.D. (“Dr. Shapiro”) and Tri-Borough NY Medical Practice P.C. (“Tri-Borough”) (collectively, the “Metro Pain Defendants”), and as such, I am fully familiar with the facts and circumstances of this case.

2. I submit this declaration in opposition to plaintiffs’, State Farm Mutual Automobile Insurance Company and State Farm Fire and Casualty Company’s (collectively, “State Farm”), motion to dismiss the Metro Pain Defendants’ Counterclaims to State Farm’s Second Amended Complaint (ECF 400).

3. State Farm’s Motion to Dismiss Metro Pain Defendants’ Counterclaims was made as to the version of the Counterclaims docketed under ECF 400. However, Metro Pain Defendants filed an Amended Answer with Counterclaims on November 16, 2023 (ECF 482), pursuant to the Court’s Order of November 11, 2023 (granting and denying in part Metro Pain Defendants’ motion to seal [ECF 477]).

4. As State Farm moved to dismiss ECF 400, Metro Pain Defendants shall rely on the following documents referenced in the Memorandum of Law:

- a. A copy of the Answer to Second Amended Complaint and Counterclaims with exhibits (ECF 400) is attached hereto as **Exhibit A**;
- b. A copy of Peter Stroili's Declaration dated August 2, 2023 (ECF 379) is attached hereto as **Exhibit B**; and
- c. A copy of exhibit from Peter Stroili's Declaration dated August 2, 2023 (ECF 379-4) is attached hereto as **Exhibit C**.

**WHEREFORE**, it is respectfully requested that the Court should deny Plaintiffs' motion in its entirety.

Dated: Lake Success, New York  
March 15, 2024

*Steven J. Harfenist*  
**STEVEN J. HARFENIST**